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*C&S Wholesale Grocers, LLC*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
(PORTLAND DIVISION)

FEDERAL TRADE COMMISSION,  
STATE OF ARIZONA,  
STATE OF CALIFORNIA,  
DISTRICT OF COLUMBIA,  
STATE OF ILLINOIS,  
STATE OF MARYLAND,  
STATE OF NEVADA,  
STATE OF NEW MEXICO,  
STATE OF OREGON, and  
STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and  
ALBERTSONS COMPANIES, INC.,

Defendant.

Civil No. 3:24-cv-000347-AN

**REQUEST FOR REFUND OF  
FEES PAID ELECTRONICALLY**

The following filing fee refund request is made pursuant to the procedures set forth in Standing Order 2011-9 for refunding erroneous or duplicate electronic filing fee payments. The reason for and amount of the refund request are as follows: A duplicate filing fee in the amount of \$300 for Steve Holley's PHV was paid.

The filing fee was paid by a credit card issued to the following individual:

Stephen Paul  
1700 New York Avenue, NW

Washington, D.C. 20006  
(202) 956-7563

Attached hereto is supporting documentation including a copy of the electronic payment receipt and a copy of the Notice of Electronic Filing (NEF) from the system transaction in CM/ECF during which the payment was made.

Dated: September 6, 2024.

By: /s/Christopher J. Pallanch  
Christopher J. Pallanch, OSB No. 075864  
Direct: 503.802.2104  
Email: christopher.pallanch@tonkon.com

08/23/2024	<a href="#">402</a>	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Steven Holley. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-9547320. Filed by C&S Wholesale Grocers, LLC. (Holley, Steven) (Entered: 08/23/2024)
08/23/2024	<a href="#">403</a>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Pretrial Conference held on 8/23/2024 before Judge Adrienne Nelson, Court Reporter Bonita J. Shumway, telephone number (503)326-8188 or bonita_shumway@ord.uscourts.gov. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER. See Policy at ord.uscourts.gov.</b> Notice of Intent to Redact Transcript is due by 8/30/2024. Redaction Request due 9/13/2024. Redacted Transcript Deadline set for 9/23/2024. Release of Transcript Restriction set for 11/21/2024. (Shumway, Bonita) (Entered: 08/23/2024)
08/23/2024	404	<b>ORDER:</b> Non-parties Costco Wholesale Corporation, J.M. Smucker Company, and Ahold Delhaize USA, Inc.s Unopposed Motions to Permit Remote Testimony, ECF <a href="#">391</a> , <a href="#">395</a> , <a href="#">397</a> , are GRANTED. Witnesses Sarah George, Robert Crane, and Matthew Yates are permitted to testify via remote video at the preliminary injunction hearing scheduled to begin on August 26, 2024. Ordered by Judge Adrienne Nelson. (joha) (Entered: 08/23/2024)
08/23/2024	406	<b>MINUTES OF PRE-HEARING CONFERENCE:</b> Pre-hearing matters discussed as stated on the record. Order to follow. Hearing on pre-hearing matters is set to commence on August 26, 2024 at 8:30 a.m. in Portland Courtroom 14A before Judge Adrienne Nelson. Preliminary injunction hearing (14 days) is set to commence on August 26, 2024 at 9:00 a.m. in Portland Courtroom 14A before Judge Adrienne Nelson. Susan Musser, Laura Hall, Charles Dickinson, Rohan Pai, and Barrett Anderson present as counsel for plaintiff Federal Trade Commission. Christopher Kayser present as counsel for plaintiff State of Oregon. Brian Yost present as counsel for plaintiff State of Illinois. Jeff Herrera present as counsel for plaintiff State of New Mexico. William Young present as counsel for plaintiff State of Wyoming. Lucas Tucker present as counsel for plaintiff State of Nevada. Estefania Torres Paez present as counsel for plaintiff District of Columbia. Nicole Gordon present as counsel for plaintiff State of California. Byron Warren present as counsel for plaintiff State of Maryland. Jayme Weber present as counsel for plaintiff State of Arizona Matthew Wolf, B. John Casey, Sonia Pfaffenroth, Mark Perry, Bambo Obaro, and Luna Barrington present as counsel for defendant Kroger Company. Enu Mainigi, David Angeli, Beth Stewart, Joshua Podall, Jonathan Pitt, Thomas Ryan, and William Ashworth present as counsel for defendant Albertsons Companies, Inc. Court Reporter: Bonita Shumway. Judge Adrienne Nelson presiding. (joha) (Entered: 08/25/2024)
08/24/2024	<a href="#">405</a>	Request for Refund of Fees Paid Electronically regarding Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Brian K. Grube. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-9540449 <a href="#">291</a> . Filed by J.M. Smucker Company. (Attachments: # <a href="#">1</a> Attachment, # <a href="#">2</a> Attachment, # <a href="#">3</a> Attachment) (Grube, Brian) (Entered: 08/24/2024)
08/25/2024	<a href="#">407</a>	<b>PRE-HEARING ORDER.</b> Signed on August 25, 2024 by Judge Adrienne Nelson. (joha) (Entered: 08/25/2024)
08/25/2024	<a href="#">408</a>	<b>ORDER ON NONPARTY MOTIONS TO SEAL EXHIBITS.</b> Signed on August 25, 2024 by Judge Adrienne Nelson. (joha) (Entered: 08/25/2024)
08/26/2024		Clerk's Review of Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Steven Holley. Filing fee in the amount of \$300 collected; Agency

		Tracking ID: AORDC-9547320 <a href="#">402</a> : <b>Reviewed and Ready for Ruling. (dino)</b> (Entered: 08/26/2024)
08/26/2024	<a href="#">409</a>	<b>ORDER:</b> Granting Motion for Leave to Appear <i>Pro Hac Vice</i> <a href="#">402</a> . Ordered by Judge Adrienne Nelson. (joha) (Entered: 08/26/2024)
<a href="#">08/26/2024</a>	<a href="#">410</a>	A duplicate payment in the amount of \$300.00 was submitted by C&S Wholesale Grocers, LLC in the above-referenced case. For information on refund procedures, visit <a href="#">Requesting a Refund of Electronically Paid Fees</a> on the Court's website. Refund Request is Due 9/5/2024. (nd) (Entered: 08/26/2024)
08/26/2024	<a href="#">411</a>	Exhibits <i>Filed Under Seal</i> re <b>Unopposed Motion to File Document Under Seal Evidentiary Hearing Exhibits (DOCUMENT FILED UNDER SEAL)</b> <a href="#">312</a> , <b>(DOCUMENT FILED UNDER SEAL)</b> . Filed by Ahold Delhaize USA, Inc.. (Attachments: # <a href="#">1</a> Exhibit A - DX 0239, # <a href="#">2</a> Exhibit B - PX3424; DX 0247, # <a href="#">3</a> Exhibit C - DX 0240, # <a href="#">4</a> Exhibit D - DX 0244, # <a href="#">5</a> Exhibit E - DX 0243, # <a href="#">6</a> Exhibit F - DX 0241) (Hahm, Kevin) (Entered: 08/26/2024)
08/26/2024	<a href="#">412</a>	Notice <i>Supplemental Statement re: Sealed Exhibits</i> Filed by Sprouts Farmers Market, Inc.. (Greenberg, Benjamin) (Entered: 08/26/2024)
08/26/2024	<a href="#">413</a>	Stipulation <i>and Order Regarding the Scope of the Record</i> by Federal Trade Commission. Filed by Federal Trade Commission. (Musser, Susan) (Entered: 08/26/2024)
08/26/2024	<a href="#">418</a>	<b>MINUTES OF FIRST DAY OF PRELIMINARY INJUNCTION HEARING:</b> Opening statements presented by the parties. Witnesses Peter Van Helden, Anthony Silva, and Andrew Groff sworn and examined. Exhibits offered and received. Court will be in recess until August 27, 2024 at 9:00 a.m. Susan Musser, Laura Hall, Charles Dickinson, Rohan Pai, Barrett Anderson, Joshua Smith, and Elizabeth Arens present as counsel for plaintiff Federal Trade Commission. Christopher Kayser and Tim Nord present as counsel for plaintiff State of Oregon. Paul Harper present as counsel for plaintiff State of Illinois. Jeff Herrera present as counsel for plaintiff State of New Mexico. William Young present as counsel for plaintiff State of Wyoming. Lucas Tucker present as counsel for plaintiff State of Nevada. Estefania Torres Paez present as counsel for plaintiff District of Columbia. Nicole Gordon present as counsel for plaintiff State of California. Byron Warren present as counsel for plaintiff State of Maryland. Jayme Weber present as counsel for plaintiff State of Arizona. Matthew Wolf, B. John Casey, Sonia Pfaffenroth, Christian Schultz, Joshua Davis, Mark Perry, Bambo Obaro, and Luna Barrington present as counsel for defendant Kroger Company. Enu Mainigi, David Angeli, Beth Stewart, Joshua Podall, Jonathan Pitt, and Mike Cowie present as counsel for defendant Albertsons Companies, Inc. Court Reporters: Jill Jessup and Dennis Apodaca. Judge Adrienne Nelson presiding. (joha) (Entered: 08/27/2024)
08/27/2024	<a href="#">414</a>	Unopposed Motion <i>Permit Remote Testimony</i> . Expedited Hearing requested. Filed by Amazon.com, Inc.. (Gilman, Alexis) (Entered: 08/27/2024)
08/27/2024	<a href="#">415</a>	Declaration of Sonya Gafsi Oblisk . Filed by Amazon.com, Inc.. (Related document(s): Motion - Miscellaneous <a href="#">414</a> .) (Gilman, Alexis) (Entered: 08/27/2024)
08/27/2024	<a href="#">416</a>	Notice of Correction by Clerk regarding <a href="#">334</a> Exhibits (FILED UNDER SEAL). A Clerical error has been discovered in the case record: The filing was missing a case caption cover page. The following corrections were made to the record: A corrected PDF has been uploaded to replace the incorrect one. The Notice of Electronic Filing (NEF) will be regenerated to all parties. (cw) (Entered: 08/27/2024)
08/27/2024	<a href="#">417</a>	Notice <i>Supplemental Statement Regarding Sealed Exhibits</i> Filed by Amazon.com, Inc.. (Gilman, Alexis) (Entered: 08/27/2024)

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Date reflects either transaction or posting date

Exhibit 1, Page 3 of 3